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WHO'S THERE?

The parameters
of police 'knock
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Race and murder in Knoxville, 1919

The trials of Maurice Mays

By Donald F. Paine

On Aug. 30, 1919, Bertie Lindsey was fatally shot by an intruder in her home. Maurice Mays was tried, convicted and executed for the crime.

Who was Maurice Mays?

He was born on May 8, 1887, to Ella Walker. She was a mulatto maid in the household of prominent white politician and banker John McMillan. McMillan was the father, so Maurice was a quadroon. At about age six months he became the foster child of William Mays and wife Frances. His natural father supported him as needed.

In August 1904 at age 17 Mays got into trouble. While helping police break up a crap game he shot John Boyd. Despite his claim of self-defense he was convicted and sentenced to two years in prison. Governor Cox immediately signed a pardon. No wonder, because letters came from the trial judge and prosecutors and all 12 jurors. Why he was tried is mysterious.

Maurice Mays married Mattie Douglass on July 1, 1917. They soon separated and she moved up north. Mays went back to consorting with women of all colors — black and white and in between.

He had run an establishment in Knoxville at Jackson Avenue and

Patton Street called Stroller's Café. Various sins were committed and tolerated there. A policeman named Andy White developed a contemptuous hatred toward Mays, allegedly because the latter once interfered with White's attempted arrest of two patrons. Passage of the Eighteenth Amendment in 1919 put such places out of business.¹

“Did Maurice Mays murder Bertie Lindsey?”

Who was Bertie Lindsey?

She was a married lady in her 20s who lived at 1215 Eighth Avenue in North Knoxville, the second house before Grainger Avenue and the railroad tracks. She worked at Standard Knitting Mills nearby.

Her husband Daniel Lindsey had left for Akron, Ohio, to work as a carpenter. She planned to join him soon. Meanwhile a younger cousin, Ora Smyth, was sharing the household.

Friday, Aug. 29, 1919

At noon Mays rented a horse and buggy. He and his foster father went out through the black community in East Knoxville distributing poll tax receipts and campaign cards for Mayor John McMillan. Mays returned the rig at 8 p.m.

He then continued his electioneering on foot downtown, talking with several lady friends in his meanderings. A little after midnight he got in Jim Massingill's automobile and the two drove around. Mays disembarked at 12:30 a.m. on the corner of Jackson and Humes Street. He walked two blocks to his house at 313 North Humes.

Saturday, Aug. 30, 1919

At approximately 2:30 a.m. Ora Smyth awoke to Bertie Lindsey's exclamation: “Ora, Ora!” In their bedroom was a man with a flashlight in one hand and a pistol in the other. Bertie stood up in bed three times and lay down upon the intruder's commands. Then she stepped off the bed and headed for the door. One pistol shot killed her.

The intruder then touched Ora on her “private part” and uttered vulgar words. She convinced him to take Bertie's pocketbook and leave. He did.

Police responded. Andy White had been riding with driver Jim Smith in the paddy wagon a few blocks east of the murder scene. As they returned



Maurice Mays. Photo courtesy of the Beck Cultural Exchange Center.

toward the police station White got word of the Eighth Avenue murder. He remarked to Smith en route: "I'll bet that G—damned Maurice Mays killed that woman."

White repeated the same accusation to the commanding officer at the

scene. Then he went with other officers to Humes Street and arrested Mays. He sniffed a pistol and apparently smelled no odor evidencing recent firing, because he asked Mays where his other pistol was. There was none. Nor was there a flashlight in the

house; it had been loaned to a friend but not returned.

Maurice Mays was carried to the intersection of Eighth Avenue and Gillespie Avenue and placed under an arc light. Ora Smyth was brought before him by Andy White and Gertrude Dyer, a neighbor. Ora identified Mays as the killer of her cousin Bertie.

Race riot

During Saturday afternoon and night, anger among many white folks grew to a fever pitch. A mob stormed the county jail, released prisoners, and drank confiscated liquor. Mays had been taken to Chattanooga disguised as a woman.

The drunks proceeded north on Gay Street, breaking into stores and stealing guns and ammunition. The National Guard was in training on the outskirts of the city. They came to town and set up two machine guns at the intersection of Vine Avenue and State Street. Blacks barricaded the intersection of Vine and Central Avenue. No one knows how many casualties were suffered that night. One documented death was that of Lieutenant Payne. He was shot by a sniper, fell out of a doorway, and was cut in two by his own machine gunners. On Sunday morning order was restored.²

Several rioters were tried for the jailbreak, not the later violence. Result: 14 acquitted, three discharged, five mistried. There was no further prosecution.

First trial and appeal

From Oct. 1 to Oct. 4, 1919, Maurice Mays stood trial for murder. The jury convicted after only eight minutes of deliberation. Judge T.A.R. Nelson sentenced Mays to death.

The Supreme Court reversed because a recent statutory change required the jury, not the judge, to impose the death sentence.³ *Mays v. State*, 143 Tenn. 443, 226 S.W. 233 (1920).

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Race and murder

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Second trial

Proceedings began on April 18, 1921. Judge Xen Hicks presided in place of Judge Nelson. Lead counsel were special prosecutor S. G. Heiskell and defense lawyer Reuben Cates.

Mrs. Ora Smyth Parsons, who married a month after the murder, was the key state's witness. She described the events in the bedroom on the fatal night. Concerning the intruder's race, she testified: "I saw a Negro standing by the bed." As for his intention, she inferred from his vulgar remark while touching her private part that "he was there, not for the purpose of robbery, but for that of an assault upon a woman."

Next door neighbor Gertrude Dyer saw a man walking along Eighth Avenue. She "could not tell" whether he was "a white man or a colored man." But he was "a low man, built tolerably heavy." Maurice Mays stood 5' 8" and weighed only 127 pounds.

Officer White testified, as did fellow

policemen Thomas Kilday and John Hatcher. All three swore that the pistol found at Mays's residence smelled like it had been recently fired.

Maurice Mays testified in his own defense. He told the jury about his peregrination on Friday afternoon and evening. He claimed to have been in bed until White and other officers arrived. He swore that his pistol had not been fired since four or five months earlier, when it was used to shoot a rat at Stroller's Café.

Q. "Were you at Eighth Avenue and Grainger?"

A. "No. I have never been in the neighborhood in my life."

Q. "You didn't shoot Bertie Lindsey?"

A. "No, sir."

Policeman Jim Smith testified for the accused. He detailed Andy White's hatred of Mays. He denied smelling any odor from the pistol.



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Q. "Did you or did you not distinguish any smell of powder burn about that gun?"

A. "Not a bit in the world."

The defense offered testimony from 11 women about sexual assaults by a nighttime intruder committed after Mays had been arrested and incarcerated. One of the women, Mrs. Dan White, described her assailant as a "low heavy set fellow" who told her to lie still or "he would shoot me like he did Bertie Lindsey." Judge Hicks excluded this evidence but allowed offers of proof for the record.

On Saturday, April 23, the jury deliberated about 30 minutes and returned a guilty verdict. Punishment was death in the electric chair.

Second appeal

On Oct. 28, 1921, the Tennessee

Supreme Court announced its opinion affirming the conviction and sentence. *Mays v. State*, 145 Tenn. 118, 238 S.W. 1096. The court found the evidence sufficient to support the verdict. Various assignments of error concerning evidence rulings, jury instructions, and a prejudiced juror were overruled. The offers of proof concerning other sexual assaults were held inadmissible because of failure to identify a perpetrator. Execution was set for Dec. 15.

The respite

On Dec. 14 Republican Governor Alf Taylor granted Mays a "Respite," or postponement, of the execution date to March 15, 1922. The document I have before me reads in part: "This action is taken in deference to the appeal of several hundred citizens of Knoxville and Knox County, both white and colored, representing every class of citizenship, who entertain a serious doubt as to the

guilt of Maurice Mays, notwithstanding two juries having pronounced him guilty."

Letters continued to pour in. Many came from persons of distinction, along with a few from nutcases like the anonymous woman who claimed to be the murderess because "Bertie did me dirty." L. D. Smith was a special justice at the time of the first appeal, but he refused to participate in deliberations because of "what I knew of the case as to his innocence." Three justices who concurred in the Mays II opinion — Grafton Green and Nathan Bachman and Colin McKinney — asked the governor to extend the respite period.

Execution

No further mercy was granted by the executive. Mays stayed up throughout his final night, accompanied by ministers and his foster father. He was

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Race and murder

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baptized. Hymns were sung: "I'm Going Home To Die No More" and "Do Lord Remember Me," Mays's favorite. He said a prayer at 3 a.m. which included: "Oh God, I am innocent of the crime for which I am to die."

On Wednesday, March 15, 1922, 6:12-6:16 a.m., Maurice Mays was electrocuted. Here is his dying declaration:

I am dying to satisfy a few Republican politicians. I am innocent as the sun that shines. I hope the politicians are satisfied. Governor Taylor has been told that he would lose 20,000 votes if he interceded for me.

Epilogue

Maurice Mays is buried in an unmarked grave at the Odd Fellows Cemetery (formerly Colored Cemetery) in East Knoxville. Andy White died of a heart attack a year after Mays's execution. John McMillan committed suicide on June 30, 1926.

Did Maurice Mays murder Bertie Lindsey?

I began my research around the turn of the century, trying to keep an open mind as I plowed through the two trial transcripts, newspaper articles, and many other documents. Here are my present reasons for believing Maurice Mays was unjustly convicted and executed.

1. Unethical police investigation and police perjury, particularly by Andy White.

2. Mistaken cross-racial eyewitness identification, perhaps orchestrated by White.

3. Prejudice of white jurors against black defense witnesses, including Mays. These jurors could not help but remember the race riot. Today a failure to change venue would result in summary appellate reversal.

4. Most compelling to me, absence of motive. Mays was doubtless tired after a day and night of campaigning. Surely sleep beckoned. But if he had desired sex, as the Eighth Avenue intruder did, Mays could have simply walked down Humes Street across



The murder scene on Eighth Avenue. Photo by author.

Jackson Avenue to Florida Street; that was Knoxville's designated red light district. Or he could have returned to some of the women he encountered earlier in the evening. But would he have walked over a mile to an unknown residence in an unfamiliar part of town? The answer is obvious.

May Bertie Lindsey and Maurice Mays rest in peace. ⚖️

Notes

1. Tennessee adopted prohibition in 1909, but enforcement must have been weak.

2. The definitive article on the riot was written by Matthew Lakin and published in *The Journal of East Tennessee History*, Number 72 (2000), page 1. Matt is the scholar who started me on this goose chase.

3. The death penalty underwent changes between 1913 and 1919. First, electrocution replaced hanging. Then in 1915 the General Assembly abolished the death penalty for all crimes except rape plus murder if committed by a convict serving a life sentence. In 1919 the death penalty was reinstated for first degree murder, but the jury rather than the judge was to impose the sentence.



Paine

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